

**ASSEMBLY BILL**

**No. 2754**

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**Introduced by Assembly Member Bass**

February 22, 2008

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An act to amend Section 31720.7 of the Government Code, and to amend Section 3212.8 of the Labor Code, relating to public safety personnel.

LEGISLATIVE COUNSEL'S DIGEST

AB 2754, as introduced, Bass. Public safety personnel: MRSA skin infections.

Existing law establishes a presumption that if certain safety members, firefighters, county probation officers, or members in active law enforcement develop a blood-borne infectious disease, the disease arises out of, and in the course of, employment. Existing law requires those who are permanently incapacitated for the performance of duty as a result of a blood-borne infectious disease to receive a service-connected disability retirement.

This bill would expand the scope of this provision to include any methicillin-resistant *Staphylococcus aureus* (MRSA) skin infection.

Existing law provides that an injury of an employee arising out of, and in the course of, employment is generally compensable through the workers' compensation system. Existing law provides that, in the case of certain state and local firefighting and law enforcement personnel, the term "injury" includes, among other conditions, hernia, pneumonia, heart trouble, tuberculosis, meningitis, and any blood-borne infectious disease that develops or manifests itself during a period while the member is in the service of the governmental entity, and establishes a disputable presumption in this regard.

This bill would expand the scope of this provision to include any methicillin-resistant *Staphylococcus aureus* skin infection.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 31720.7 of the Government Code is  
2 amended to read:

3 31720.7. (a) If a safety member, a firefighter, a county  
4 probation officer, or a member in active law enforcement who has  
5 completed five years or more of service under a pension system  
6 established pursuant to Chapter 4 (commencing with Section  
7 31900) or under a pension system established pursuant to Chapter  
8 5 (commencing with Section 32200), or both, or under this  
9 retirement system, under the Public Employees' Retirement  
10 System, or under a retirement system established under this chapter  
11 in another county, develops a blood-borne infectious disease *or a*  
12 *methicillin-resistant Staphylococcus aureus skin infection*, the  
13 disease *or skin infection* so developing or manifesting itself in  
14 those cases shall be presumed to arise out of, and in the course of,  
15 employment. The *blood-borne infectious disease or*  
16 *methicillin-resistant Staphylococcus aureus skin infection* so  
17 developing or manifesting itself in those cases shall in no case be  
18 attributed to any disease *or skin infection* existing prior to that  
19 development or manifestation.

20 (b) Any safety member, firefighter, county probation officer,  
21 or member active in law enforcement described in subdivision (a)  
22 permanently incapacitated for the performance of duty as a result  
23 of a blood-borne infectious disease *or methicillin-resistant*  
24 *Staphylococcus aureus skin infection* shall receive a  
25 service-connected disability retirement.

26 (c) The presumption described in subdivision (a) is rebuttable  
27 by other evidence. Unless so rebutted, the board is bound to find  
28 in accordance with the presumption. This presumption shall be  
29 extended to a member following termination of service for a period  
30 of three calendar months for each full year of the requisite service,  
31 but not to exceed 60 months in any circumstance, commencing  
32 with the last date actually worked in the specified capacity.

1 (d) “Blood-borne infectious disease,” for purposes of this  
2 section, means a disease caused by exposure to pathogenic  
3 microorganisms that are present in human blood that can cause  
4 disease in humans, including, but not limited to, those pathogenic  
5 microorganisms defined as blood-borne pathogens by the  
6 Department of Industrial Relations.

7 (e) “Member in active law enforcement,” for purposes of this  
8 section, means members employed by a sheriff’s office, by a police  
9 or fire department of a city, county, city and county, district, or by  
10 another public or municipal corporation or political subdivision  
11 or who are described in Chapter 4.5 (commencing with Section  
12 830) of Title 3 of Part 2 of the Penal Code or who are employed  
13 by any county forestry or firefighting department or unit, except  
14 any of those members whose principal duties are clerical or  
15 otherwise do not clearly fall within the scope of active law  
16 enforcement services or active firefighting services, such as  
17 stenographers, telephone operators, and other office workers, and  
18 includes a member engaged in active law enforcement who is not  
19 classified as a safety member.

20 SEC. 2. Section 3212.8 of the Labor Code is amended to read:

21 3212.8. (a) In the case of members of a sheriff’s office, of  
22 police or fire departments of cities, counties, cities and counties,  
23 districts, or other public or municipal corporations or political  
24 subdivisions, or individuals described in Chapter 4.5 (commencing  
25 with Section 830) of Title 3 of Part 2 of the Penal Code, whether  
26 those persons are volunteer, partly paid, or fully paid, and in the  
27 case of active firefighting members of the Department of Forestry  
28 and Fire Protection, or of any county forestry or firefighting  
29 department or unit, whether voluntary, fully paid, or partly paid,  
30 excepting those whose principal duties are clerical or otherwise  
31 do not clearly fall within the scope of active law enforcement  
32 service or active firefighting services, such as stenographers,  
33 telephone operators, and other office workers, the term “injury”  
34 as used in this division, includes a blood-borne infectious disease  
35 *or methicillin-resistant Staphylococcus aureus skin infection* when  
36 any part of the blood-borne infectious disease *or*  
37 *methicillin-resistant Staphylococcus aureus skin infection* develops  
38 or manifests itself during a period while that person is in the service  
39 of that office, staff, division, department, or unit. The compensation  
40 that is awarded for a blood-borne infectious disease *or*

1 *methicillin-resistant Staphylococcus aureus skin infection* shall  
2 include, but not be limited to, full hospital, surgical, medical  
3 treatment, disability indemnity, and death benefits, as provided by  
4 the workers' compensation laws of this state.

5 (b) The blood-borne infectious disease *or methicillin-resistant*  
6 *Staphylococcus aureus skin infection* so developing or manifesting  
7 itself in those cases shall be presumed to arise out of and in the  
8 course of the employment or service. This presumption is  
9 disputable and may be controverted by other evidence, but unless  
10 so controverted, the appeals board is bound to find in accordance  
11 with it. That presumption shall be extended to a person covered  
12 by subdivision (a) following termination of service for a period of  
13 three calendar months for each full year of service, but not to  
14 exceed 60 months in any circumstance, commencing with the last  
15 date actually worked in the specified capacity.

16 (c) The blood-borne infectious disease *or methicillin-resistant*  
17 *Staphylococcus aureus skin infection* so developing or manifesting  
18 itself in those cases shall in no case be attributed to any disease *or*  
19 *skin infection* existing prior to that development or manifestation.

20 (d) For the purposes of this section, "blood-borne infectious  
21 disease" means a disease caused by exposure to pathogenic  
22 microorganisms that are present in human blood that can cause  
23 disease in humans, including those pathogenic microorganisms  
24 defined as blood-borne pathogens by the Department of Industrial  
25 Relations.